



VOLUME 1 of 3 ☒

VOLUME 2 of 3

VOLUME 3 of 3



**PURCHASING DEPARTMENT
REQUEST FOR PROPOSALS (RFP) NO. 05RFPPHASEJAIL-JD**

REQUEST FOR PROPOSAL

**Construction & Financing for the Fulton
County Jail Mechanical, Plumbing & Elevator
Maintenance Upgrades
for
General Services Department**

**PROPOSAL DUE DATE AND TIME: Monday, December 5, 2005, 11:00 A.M.
PRE-PROPOSAL CONFERENCE: Friday November 4 , 2005, 9:00 A.M.
PURCHASING CONTACT: Joyce Daniel at (404)-730-5824
E-MAIL: joyce.daniel@co.fulton.ga.us**

**LOCATION:
FULTON COUNTY PURCHASING DEPARTMENT
130 PEACHTREE STREET, S.W., SUITE 1168
ATLANTA, GA 30303**

TABLE OF CONTENTS

VOLUME 1 of 3

1.0	INTRODUCTION	Section	Page
1.1	Overview	1	1
1.2	Description of Project	1	1
1.3	Background	1	2
1.4	County Objectives	1	3
1.5	Obtaining a Copy of the RFP	1	3
1.6	Pre-Proposal Conference	1	4
1.7	RFP Due Date	1	4
1.8	Delivery Requirements	1	4
1.9	Contact Person & Inquiries	1	4
2.0	INSTRUCTIONS TO PROPOSERS	Section	Page
2.1	Procurement Process	2	1
2.2	Contract Definitions	2	1
2.3	No Contact During Procurement Process	2	2
2.4	Clarification & Addenda	2	3
2.5	Required Submittals	2	4
2.6	Proposal Evaluation	2	5
2.7	Reserved Rights	2	5
2.8	Reserved Rights	2	5
2.9	Not Used		
2.10	Accuracy of RFP & Related Documents	2	6
2.11	Responsibility of Proposer	2	6
2.12	Confidential Information	2	7
2.13	County Rights and Options	2	7
2.14	Cost of Submittal Preparation & Selection Process	2	9
2.15	Local Preference Policy	2	9
3.0	SUBMISSION REQUIREMENTS	Section	Page
3.1	Submission Requirements	3	1
3.2	Overview of Proposal Requirements	3	1
3.3	Number of Copies	3	1
3.4	Proposal Submittal Format and Content	3	1
	o Section 1 – Introduction	3	1
	o Section 2 – Organization & Experience	3	2
	o Section 3 – Quality Assurance /Quality Control	3	5
	o Section 4 – Operation & Maintenance Contracts	3	6
	o Section 5 – Proposer Financial Information	3	6
	o Section 6 – Location Firm	3	7
	o Section 7 – Required Forms for Purchasing	3	7
3.5	Required Forms for Contract Compliance (<u>Separate Envelope</u>)	3	2
3.6	Cost Proposal Format & Content	3	7

4.0	RFP EVALUATION – SELECTION CRITERIA	Section	Page
4.1	Proposal Evaluation Criteria & Weights	4	1
	o General	4	1
	o Weighted Evaluation Criteria	4	1
4.2	Summary of Evaluation Process	4	2
5.0	PURCHASING DEPARTMENT PROPOSAL FORMS	Section	Page
5.1	Introduction	5	1
5.2	Procurement Affidavit Forms Description	5	1
	o Certification Regarding Debarment	5	2
	o Non-Collusion Affidavit of Proposer/Offeror	5	4
	o Non-Collusion Affidavit of Subcontractor	5	6
	o Certificate of Acceptance of Request for Proposal Requirements	5	8
6.0	CONTRACT COMPLIANCE REQUIREMENTS	Section	Page
6.1	Non-Discrimination in Contracting & Procurements	6	1
	o Equal Business Opportunity Plan (EBO Plan)	6	1
	o Prompt Payment	6	1
6.2	Required Forms & EBO Plan	6	2
	o Exhibit A – Promise of Non-Discrimination	6	3
	o Exhibit B – Employment Report	6	4
	o Exhibit C – Schedule of Intended Subcontractors Utilization	6	5
	o Exhibit D – Letter of Intent to Perform as Subcontractor or Provide Materials or Services	6	8
	o Exhibit E – Declaration Regarding Subcontracting Practices	6	9
	o Exhibit F – Joint Venture Disclosure Affidavit	6	10
	o Exhibit G – Prime Contractor/Sub-Contractor Utilization Report Form	6	13
7.0	INSURANCE & RISK MANAGEMENT PROVISIONS	Section	Page
7.1	Insurance & Risk Management Provisions	7	1
	OCIP Insurance (Deduct Alternate No. 1)	7	1
	Owner Controlled Insurance Program	7	1
8.0	SAMPLE CONTRACT	Section	Page
8.1	Sample Contract (Cross-Reference)	8	1

VOLUME 2 of 3

DIVISION 0 - CONTRACTING & PROCUREMENT REQUIREMENTS

00 004	LIST OF DRAWINGS
00 300	COST PROPOSAL FORM
00 302	SCHEDULE PROPOSAL FORM
00 440	CONTRACTOR PROVIDED INSURANCE INFORMATION
00 440 ALT	OWNER CONTROLLED INSURANCE PROGRAM (OCIP) information Exhibit H – Insurance Information Form (Contractor & Subcontractor Agreement)
00 442	CONTRACTOR'S GEORGIA UTILITY LICENSE CERTIFICATION Certification Form
00 500	OWNER – CONTRACTOR AGREEMENT (SAMPLE) Article 1 Contract Documents Article 2 Administration Article 3 County Article 4 Contractor Article 5 Subcontractors & Subconsultants Article 6 Work By County or By Separate Contractors Article 7 Miscellaneous Provisions Article 8 Time Article 9 Payments and Completion Article 10 Safety Article 11 Contractor Provided Insurance Article 12 Changes in the Work Article 13 Uncovering and Correction of Work Article 14 Termination of the Contract Article 15 Non-Discrimination in Contracting & Procurement Article 16 Full Performance Representation
00 500 ALT	OWNER – CONTRACTOR AGREEMENT (SAMPLE) – (DEDUCT ALTERNATE NO. 1)
00 610	SECURITY (BID) BOND
00 620	PERFORMANCE & PAYMENT BONDS

DIVISION 1 GENERAL REQUIREMENTS
--

01 010	SUMMARY OF WORK
01 020	ALLOWANCES
01 025	APPLICATIONS FOR PAYMENT
01 027	UNIT PRICES
01 030	COST PROPOSAL ALTERNATES
01 040	PROJECT COORDINATION
01 045	CUTTING, CORING & PATCHING
01 050	LAYOUT OF THE WORK
01 090	REFERENCE STANDARDS
01 200	PROJECT MEETINGS
01 310	SCHEDULING OF THE WORK
01 320	REPORTS

01 340	SHOP DRAWINGS, PRODUCT DATA & SAMPLES
01 370	SCHEDULE OF VALUES
01 400	QUALITY CONTROL
01 500	CONSTRUCTION FACILITIES & TEMPORARY CONTROLS
01 560	ENVIRONMENTAL PROTECTION
01 610	MATERIAL & EQUIPMENT HANDLING
01 630	PRODUCTS & SUBSTITUTIONS
01 680	EQUIPMENT & SYSTEMS INSTRUCTION
01 700	PROJECT CLOSEOUT
01 710	FINAL CLEANING
01 720	PROJECT RECORD DOCUMENTS
01 730	OPERATING & MAINTENANCE DATA
01 740	WARRANTIES
01 760	SPARE PARTS & MAINTENANCE MATERIALS
01 800	SAFETY, HEALTH & LOSS PREVENTION PROGRAM GUIDELINE

VOLUME 3 of 3

Specification Documents Prepared by Newcomb & Boyd, dated September 26, 2005

Section 02070	Demolition
Section 02110	Site Preparation
Section 02200	Earthwork
Section 02270	Erosion Control
Section 02511	Asphaltic Concrete Paving
Section 02513	Concrete Walks, Curbs and Paving
Section 02580	Pavement Marking
Section 03300	Cast-In-Place Concrete
Section 05100	Structural Steel
Section 05310	Steel Roof Deck
Section 05400	Structural Steel Studs
Section 05500	Metal Fabrications
Section 06100	Rough Carpentry
Section 07240	Exterior Insulation & Finish System
Section 07410	Preformed Metal Roofing
Section 07500	EPDM Roofing
Section 07900	Joint Sealers
Section 09210	Security Lath and Plaster
Section 09220	Portland Cement Plaster/Stucco
Section 09260	Gypsum Board Assemblies
Section 09262	Exterior Gypsum Sheathing
Section 09511	Acoustical Panel Ceilings
Section 09831	Silicone Elastomeric Coating
Section 09910	Painting
Section 09960	High Performance Coatings

Section 11190	Security Fencing
Section 15000	Elevator Modernization
Section 15010	Mechanical General
Section 15100	HVAC Piping, Valves & Accessories
Section 15160	Aboveground Preinsulated Piping Systems
Section 15250	Insulation
Section 15400	Plumbing
Section 15600	HVAC Equipment
Section 15700	Air Distribution
Section 15800	Automatic Temperature Controls
Section 15900	Mechanical Systems Commissioning
Section 15950	HVAC Testing, Adjusting & Balancing
Section 16010	Electrical General
Section 16110	Raceways
Section 16120	Wires and Cables, 600 Volt
Section 16130	Boxes
Section 16143	Wiring Devices
Section 16148	Connections to Motors and Equipment
Section 16170	Circuit and Motor Disconnects
Section 16190	Supporting Devices
Section 16450	Grounding
Section 16471	Panelboards
Section 16475	Overcurrent Protective Devices
Section 16476	Individual Circuit Breakers
Section 16501	Lamps
Section 16502	Ballasts
Section 16510	Luminaires
Section 16721	Fire Alarm System
Section 16800	Electrical Systems Commissioning
Section 17100	Commissioning
Section 18100	Elevator Maintenance
Section 18200	Mechanical Maintenance

Drawings: Refer to 00 004 for List of Drawings

1.1 OVERVIEW

- A. This procurement is the second step of a two-step process. The initial step was formally and publicly advertised as a Request for Qualifications. Firms that submitted qualifications and that received an evaluation score of seventy-five (75) points or above by the Fulton County evaluation committee are invited through this RFP to submit technical and cost proposals.
- B. Fulton County, a political subdivision of the State of Georgia, invites firms, in connection with 05RFPPHASEJAIL-JD, that submitted qualifications and that received an evaluation score of seventy-five (75) points or above by the Fulton County evaluation committee to submit technical and cost proposals for the following project and contract. By receiving this Request for Proposal (RFP) and a cover letter previously provided under separate cover from the Fulton County Purchasing Department your firm has been deemed qualified and is invited to advance to a second step for Request of Proposals for technical and cost proposals from which Fulton County expects to award one contract to the Proposer deemed most qualified and best suited to successfully perform the work.
- B. Through the issuance of this Request for Proposal (“RFP” and/or “Proposals” and/or “submittals”), the County is soliciting proposals for the following:
- | | |
|-------------|---|
| • Project: | Fulton County Jail Mechanical, Plumbing & Elevator Maintenance Upgrades |
| • Location: | Fulton County Jail, 901 Rice St., NW, Atlanta 30318 |
| • RFP No: | 05RFPPHASEJAIL-JD |
- C. Proposals provided in response to this RFP must comply with the submittal requirements set forth in Section 3 – Submittal requirements, including all forms and certifications. Submittals will be evaluated in accordance with the criteria and procedures described in Section 4 - Evaluation Criteria.

1.2 DESCRIPTION OF THE PROJECT

- A. Refer to Section 10 – Appendices - General Project Summary for additional information.
- B. Design & Engineering: Design and engineering is under separate contract between Fulton County and Newcomb & Boyd. The Construction Documents are an attachment to this RFP.
- C. Contract Management: Management of the contract and project for Fulton County shall be through the Fulton County General Services Department (GSD).

1.3 BACKGROUND

- A. Background: Based on building inspections by the GSD the facility requires significant building system and equipment modifications and replacements to eliminate the adverse building environmental condition and control problems.
- B. GSD has identified significant maintenance needs requiring immediate implementation to stop further degradation of the building environmental systems. This results in environmental problems such as mold growth and inefficient and excessive utility usage and consumption.

1.4 COUNTY OBJECTIVES

- A. Objective: The objective of the project is to implement facility improvements and energy conservation measures at the Fulton County Jail. This project is intended to stop continuing degradation of the building mechanical and plumbing systems and equipment, and environmental control systems resulting in significant building environmental condition problems. This will be accommodated by provide new equipment for long term optimal operating building systems and enhancing utility conservation.
- B. The work includes all necessary financing and work for major mechanical plumbing and elevator building systems maintenance and replacement upgrades.

1.5 OBTAINING A COPY OF THE RFP

- A. One (1) copy of this RFP, including Volumes 1, 2 and 3 and a full set of drawings are provided for each Proposer.
- B. Additional copies of Volumes 1, 2 and 3 documents (not drawings) can be downloaded by Proposers at the Fulton County Website, <http://www.co.fulton.ga.us/> under "Bid Opportunities".
- C. Additional copies of drawings (as well as Volumes 1, 2 and 3) shall be available only from the following printing company. Costs for additional copies shall be by the Proposer. Additional RFP documents may be purchased directly from:

Imaging Technologies
640 10th Street NW
Atlanta, GA 30318
404.873.5911 voice
404.870.6611 fax

The cost for a set of specifications (3 volumes) and drawings is \$ 445 plus tax).

D. Any questions regarding availability of documents shall be forwarded to:

Fulton County Purchasing Department
130 Peachtree Street, N.W., Suit 1168
Atlanta, GA 30303
Phone: (404) 730-5800
Fax (404) 335-5806
Reference RFQ No. 05RFPPHASEJAIL-JD

1.6 RFP PRE-PROPOSAL CONFERENCE

The County will hold a Pre-Proposal Conference as follows. Attendance at the Pre-Submittal Conference is mandatory for purposes of responding to this RFP; a tour of the facility will be included. The purpose of the conference is to provide information regarding the project and to address any questions and concerns regarding the services sought by the County through this RFP.

• Location:	Fulton County Jail 901 Rice St., NW, Atlanta 30318 – Roll Call Room - meet in Jail Lobby
• Date:	Friday November 4, 2005
• Time	9:00 am (arrive to check in at 8:45 am)

A walk-thru of the facility and site will be offered to the Proposers.

1.7 RFP DUE DATE

All submittals will be time and date stamped according to the clock at the front desk of the Fulton County Purchasing Department. Any submittals received after this appointed schedule will be considered late and subject to be returned unopened to the Proposer. The due date can be changed only by addendum.

• Location:	Fulton County Purchasing Department 130 Peachtree Street, N.W., Suit 1168 Atlanta, GA 30303
• Date:	Monday, December 5, 2005
• Time	11:00 am Legally Prevailing Time

1.8 DELIVERY REQUIREMENTS

Any submittal received after the above stipulated due date and time will not be considered and will be rejected and returned. It shall be the sole responsibility of the Proposer to have the submittal delivered to the Fulton County Purchasing Department and received on or before the above stipulated due date and time. If a submittal is sent by U.S. Mail, the proposer shall be responsible for its timely delivery to the Purchasing Department.

1.9 CONTACT PERSON AND INQUIRIES

Any questions or suggestions regarding this RFP should be submitted in writing to the Purchasing Department contact person:

Attention: Joyce Daniel, Assistant Purchasing Agent
Fulton County Purchasing Department
130 Peachtree Street, N.W., Suit 1168
Atlanta, GA 30303
Phone (404) 730-5824
Fax (404) 335-5806

Any response made by the County will be provided in writing to all Proposers by addendum. No verbal responses shall be authoritative.

SECTION 2 INSTRUCTIONS TO PROPOSERS

2.1 PROCUREMENT PROCESS

This procurement is the second step of a two-step process. The initial step was formally and publicly advertised as a Request for Qualifications. Firms that submitted qualifications and that received an evaluation score of seventy-five (75) points or above by the Fulton County evaluation committee are invited through this RFP to submit technical and cost proposals.

All RFP requirements, unless otherwise specified, must be met, or be capable of being met by the Proposer or their submittal will be disqualified as being non-responsive.

2.2 CONTRACT DEFINITIONS

- A. In addition to any other terms that may be defined in this solicitation, the following terms have the following meaning:
- B. Addendum – Revision to the documents issued by the County prior to the receipt of submittals.
- C. County – Fulton County Government and its authorized representatives.
- D. Contact Person – Purchasing staff designated by the Fulton County Purchasing Department to receive any questions and suggestions.
- E. Owner – Fulton County Government

2.3 NO CONTACT DURING PROCUREMENT PROCESS

Fulton County states:

- A. It is the policy of Fulton County that the evaluation and award process for County contracts shall be free from both actual and perceived impropriety, and that contacts between potential vendors and County officials, elected officials and staff regarding pending awards of County contracts shall be prohibited.
- B. No person, firm, or business entity, however situated or composed, obtaining a copy of or responding to this solicitation, shall initiate or continue any verbal or written communication regarding this solicitation with any County officer, elected official, employee, or designated County representative, between the date of the issuance of this solicitation and the date of the County Manager's recommendation to the Board of Commissioners for award of the subject contract, except as may otherwise be specifically authorized and permitted by the terms and conditions of this solicitation.

-
- C. All verbal and written communications initiated by such person, firm, or entity regarding this solicitation, if same are authorized and permitted by the terms and conditions of this solicitation, shall be directed to the Purchasing Agent.
 - D. Any violation of this prohibition to initiate or continue verbal or written communications with County officers, elected officials, employees, or designated County representatives shall result in a written finding by the Purchasing Agent declaring the submittal of the person, firm, or entity in violation is "non-responsive" and same shall not be considered for award.

2.4 CLARIFICATION & ADDENDA

- A. Proposers may submit requests for clarifications or interpretations regarding this RFP. Proposers must prepare such requests in writing for the County's consideration as set forth in the section of this RFP. While the County has not placed a limitation on the number of requests to be submitted, Proposers are cautioned to request meaningful clarifications or interpretations in an organized manner (e.g., limited frequency of requests) or the County will set restrictions on the frequency and number of requests permitted. The County will not respond to requests received after **Friday, November 18, 2005 at 5:00 PM**, local prevailing time. Proposers are advised that this section places no obligation on the part of the County to respond to any or all requests for clarification or interpretation and the County's failure to respond to any such request will not relieve the Proposer of any obligations or conditions required by this RFP.
- B. Requests for clarification or interpretation regarding this RFP shall only be submitted in writing (letter, fax or email) to:

Fulton County Purchasing Department
Attention: Joyce Daniel, Assistant Purchasing Agent
130 Peachtree Street, N.W., Suit 1168
Public Safety Building
Atlanta, GA 30303
Phone (404) 730-5824
Fax (404) 335-5806
Email: joyce.daniel@co.fulton.ga.us
RE: 05RFPPHASEJAIL-JD - Fulton County Jail Mechanical, Plumbing & Elevator Maintenance Upgrades
- C. All responses to written requests for clarification, interpretation, or additional information will be distributed as addenda to firms invited to submit proposals.
- D. No oral interpretation, instruction, or information concerning this RFP given by any employee or agent of the County shall be binding on the County. Proposers who submit qualifications relying on any such oral information risk having their

response deemed non-responsive by the County. Only written responses issued by addendum should be considered by the Proposers.

- E. During the period provided for the preparation of a submittals, the County may issue addenda. These addenda will be numbered consecutively and will be distributed to those who have been issued a copy of this RFP. Additionally, the addenda will be posted on the Fulton County website, www.co.fulton.ga.us. These addenda will be issued by, or on behalf of, the County and will constitute a part of the procurement process. Each Proposer is required to acknowledge by submitting an executed acknowledgment form included as Technical Proposal Form 2. This acknowledgment shall include all addenda distributed prior to the submission date. All responses to this RFP shall be prepared with full consideration of the addenda issued prior to the submission date.

2.5 REQUIRED SUBMITTALS

Refer to Section 3 – Proposal Requirements for detailed submittal requirements.

2.6 PROPOSAL EVALUATION

All submittals will be evaluated using the criteria specified in Section 4 - Evaluation Criteria.

2.7 RESERVED RIGHTS

The County reserves the right to accept or reject any and/or all proposals, to waive irregularities and technicalities, and to request resubmission. Any sole response that is received may or may not be rejected by the County depending on available competition and timely needs of the County. There is no obligation on the part of the County to award the contract to the lowest Proposer and the County reserves the right to award the contract to the responsible Proposer submitting responsive submittals with resulting agreements most advantageous and in the best interest of the County. The County shall be the sole judge of the submittals and whether the resulting agreements are in its best interest. Its decision shall be final. Also, the County reserves the right to make such investigation as it deems necessary to determine the ability of any proposer to perform the work or service requested. Information the County deems necessary to make this determination shall be provided by the proposer. Such information may include, but shall not be limited to, current financial statements by an independent CPA; verification of availability of personnel; and past performance records.

2.8 APPLICABLE LAWS

- A. All applicable laws and regulations of the State of Georgia and ordinances and regulations of Fulton County shall apply. Protestors shall seek resolution of their complaints in the manner provided in the Fulton County Code of Laws §2-324 which is incorporated by reference herein.

-
- B. Any formal protest made by an aggrieved Respondent concerning the RFP solicitation or the evaluation of the proposal submittals must be submitted to:

Fulton County Purchasing Department
Attention: Jerome Noble, Director of Purchasing
130 Peachtree Street, N.W., Suit 1168
Atlanta, GA 30303

- C. Any formal protest must be submitted within ten (10) days after such Respondent knows or should have known of the facts giving rise, thereto. The protest shall include a clear and detailed statement of the basis upon which it is filed. The failure of the Respondent to file any protest within the time limits prescribed herein shall be deemed a material prejudice to the interests of Fulton County and shall constitute an absolute waiver of the protest and the right to thereafter prosecute same.

2.9 NOT USED

2.10 ACCURACY OF RFP AND RELATED DOCUMENTS

- A. The County assumes no responsibility that the specified technical and background information presented in this RFP, or otherwise distributed or made available during this procurement process, is complete or accurate. Without limiting the generality of the foregoing, the County will not be bound by or be responsible for any explanation or interpretation of the Submittal documents other than those given in writing as an addendum.
- B. Should a recipient of this RFP find discrepancies in or omissions from this RFP and related documents, the recipient of this RFP shall immediately notify the Purchasing Contact Person identified in Section 1.10 in writing at the following address: Fulton County Purchasing Department, Public Safety Bldg, 130 Peachtree Street S.E., Suite 1168 Atlanta, GA 30303. A written addendum, if necessary, then will be made available to each recipient of this RFP.

2.11 RESPONSIBILITY OF PROPOSER

- A. Each Proposer is encouraged to conduct all necessary investigations and review the complete RFP and any addendum prior to the submittal of its proposal.
- B. Proposers are reminded of Fulton County's "**No Contact During Procurement**" policy and may only contact the person designated by the RFP.

2.12 CONFIDENTIAL INFORMATION

- A. If any Submittal contains technical, financial, or other confidential information the Proposer believes is exempt from disclosure, the Proposer must clearly label

the specific portions sought to be kept confidential and specify on what the exemption is based.

- B. The County, at its sole discretion and subject to applicable law, will determine whether such exemption applies. The County has sole discretion to make such determination regarding the disclosure of information, and by responding to this RFP, Proposers waive any challenge to the County's decisions in this regard. Marking all or substantially all of a Submittal as confidential may result in the Proposer being deemed non-responsive to this RFP.
- C. Notwithstanding the foregoing, Proposers recognize and agree that the County, its staff, and its Consultants will not be responsible or liable in any way for any losses that the Proposer may suffer from the disclosure of information or materials to third parties.

2.13 COUNTY RIGHTS AND OPTIONS

- A. This RFP constitutes an invitation to submit technical and cost proposals to the County. Without limitation or penalty, the County reserves and holds at its sole discretion, the following rights and options:
 - 1. This RFP does not obligate the County to select, procure or contract for any services whatsoever
 - 2. The County reserves the right to change or alter the schedule for any events associated with this procurement and, if required, notify the Proposers. A Proposer, by submitting a proposal, agrees to be bound by any modifications made by the County
 - 3. All costs incurred by a Proposer in connection with responding to this RFP, the evaluation and selection process undertaken in connection with this procurement, and any negotiations with the County will be borne by the Proposer.
 - 4. The County reserves the right to reject all submittals and components thereof to eliminate all Proposers responding to this RFP from further consideration for this procurement, and to notify such Proposers of the County's determination.
 - 5. The County may cancel this RFP without the substitution of another RFP and terminate this procurement at any time without any liability whatsoever.
 - 6. The County reserves the right to waive any technicalities or irregularities in the submittals.
 - 7. The County reserves the right to eliminate any Proposer who submits incomplete or inadequate responses or is not responsive to the requirements of this RFP.

-
8. The County may request Proposers to send representatives to the County for interviews and presentations.
 9. To the extent deemed appropriate by the County, the County may select and enter into discussion and negotiations with the Proposer(s), which are found to be reasonably susceptible for award.
 10. The County reserves the right to discontinue negotiations with any selected Proposer.
 11. The County reserves the right, without prior notice, to supplement, amend, or otherwise modify this RFP.
 12. All submittals (other than portions thereof subject to patent or copyright protection) become the property of the County and will not be returned, and the County reserves the right to utilize all such information contained in the submittals without further cost to the County
 13. The County may add to or delete from the Project Scope of Work set forth in this RFP.
 14. Any and all submittals not received by the submission date shall be rejected and returned unopened.
 15. Neither the County, its staff, its representatives, nor any of its consultants or attorneys will be liable for any claims or damages resulting from the solicitation, collection, review, or evaluation of responses.
 16. The County, including its representatives and consultants, reserves the right to visit and examine any of the facilities referenced in any submittal and to observe and investigate the operations of such facilities.
 17. The County reserves the right to conduct investigations of the Proposers and their responses to this RFP and to request additional evidence to support the information included in any such response.
- B. By responding to this RFP, Proposers acknowledge and consent to the rights and conditions set forth in this RFP.

2.14 COST OF SUBMITTAL PREPARATION AND SELECTION PROCESS

- A. Each submittal, including preparation of all information required to be included in a submittal pursuant to this RFP, shall be prepared at the sole cost and expense (including, but not limited to, engineering and legal costs) of the Proposer. In addition, the Proposer shall be solely responsible for all costs (including engineering and legal costs) incurred by such Proposer in connection with this

selection process, including any costs incurred by the Proposer in any subsequent negotiations entered into in connection with developing the submittal.

- B. There shall be no claims whatsoever against the County, its staff, or its consultants for reimbursement for the costs or expenses (including, but not limited to, engineering and legal costs) incurred during the preparation of the Submittal or other information required by this RFP or procurement process or in connection with the selection process or any negotiations.

2.15 LOCAL PREFERENCE POLICY:

- A. Fulton County has a policy of local preference for vendors that desire to do business with Fulton County. This policy is considered in the weighted evaluation scoring of this RFP. Receiving local preference points is based upon a proposing firm having an office in Fulton County.
- B. Only those firms with an office in Fulton County will receive ten (10) points in the RFP evaluation. Points will only be awarded for the Prime Respondent's location; points will not be awarded for sub-consultants or sub-contractors except under a joint venture arrangement.

SECTION 3 PROPOSAL REQUIREMENTS

3.1 SUBMISSION REQUIREMENTS

The required content of the submittal is further specified in this section of the RFP.

3.2 OVERVIEW OF PROPOSAL REQUIREMENTS

- A. Proposers shall submit Proposals in accordance with the content and format requirements set forth in this RFP. Proposals should be clearly organized and structured in a manner allowing materials included in the document to be located easily.
- B. Each of the instructions set forth in this section must be followed for a Proposal to be deemed responsive to this RFP. In all cases, the County reserves the right to determine, at its sole discretion, whether any aspect of the Proposal meets the requirements set forth in this section. The County reserves the right to reject any Proposal, which in its judgment, does not comply with these Proposal submission requirements.
- C. Submittals will be evaluated according to percentage weights, totaling to 100 points, assigned to the following criteria, listed in order of relative importance.

3.3 NUMBER OF COPIES

Number of Copies: Proposers shall submit :

- One (1) original
- Five (5) copies

All submittals must include the Project Title and RFP number clearly marked on the outside of the envelope or box clearly stating "Phase 2 – Request for Proposals." Proposers shall submit the following information in the format outlined below.

3.4 PROPOSAL SUBMITTAL FORMAT AND CONTENT

Section 1 - Introduction

- A. **Cover Letter:** Provide a cover letter. The cover letter shall be prepared on the letterhead of the prime firm within the Proposer's Team and signed by a representative who is empowered to enter into contract with Fulton County on the Proposer's behalf. The cover letter is intended to acknowledge participation in the RFP phase of this procurement and confirm information submitted in the qualification phase of this procurement. *(Two pages max.)*
(Pass/Fail for Responsiveness)

It should contain at least the following information:

- a. Indicate:
 - 1) The project, RFQ number stating “Phase 2 – Request for Proposals”
 - 2) Prime Proposer’s name
 - 3) RFP Submittal date
 - b. State the designation of the name and type business/venture that will contract with Fulton County.
 - c. Confirmation that the firms that comprise the Proposer’s team as submitted in the qualification phase have not changed.
 - d. Confirmation that the Proposer continues to have the capability to meet the financial, bonding and insurance requirements for this project and that there have not been any changes in the Proposers status since qualifications were submitted.
 - e. Any changes to information submitted in qualification submittals
- B. Table of Contents:** Provide a table of contents. A table of contents shall be included at the front of each binder, conforming to the organization of information listed below, and all binder sections shall be tabbed with clearly labeled or numbered tabs directly correlating to the table of contents. Submittals shall be bound. *(Number of Pages as required)*
(Pass/Fail for Responsiveness)
- C. Executive Summary:** The purpose of the Executive Summary is to confirm the information submitted in the Proposer’s qualifications. At a minimum, the Executive Summary shall contain the following information: *(Two pages max.)*
(Pass/Fail for Responsiveness)
1. Name and corporate headquarter location of prime Proposer’s firm (the firm that will be entering into contract with Fulton County)
 2. Description of legal structure (corporation, LLC, joint venture, sub-contractor, sub-consultant, etc.)
 3. The Proposer team’s ability and commitment to provide all the necessary resources to successfully complete the project.
 4. The general and specific capabilities and experience of the Proposer’s team that the Proposer believes will benefit Fulton County
 5. Other information the Proposer finds pertinent to submit to Fulton County

Section 2 – Organization & Experience

This section of the Proposal shall present information about the Proposer and each team member.
(20 points max.)

- A. Project Team Organization Chart:** Provide an organization chart for your team

including: *(two pages max. (one 11"x17" page folded preferred))*

1. Proposing firm name (name of firm that will enter into contract with Fulton County)
2. Name of financing company or companies
3. Name of each team member. Indicate team members that will serve as general contractor, program manager (if any) and sub-contractors for major portions of the work. Identify first-tier contractors.

At a minimum, identify first-tier sub-contractors for major mechanical, major electrical, major control systems, fire alarm system, air and water balance, water treatment, plumbing and elevator work. Identify the major equipment manufacturers, plumbing fixture supplier and elevator systems controller. Identify the Facility Maintenance Contractors and their respective systems they will be maintaining.

- a. Indicate the area of responsibility or work that will be performed by the team member
 - b. Indicate the company name, address phone, principal-in-charge and indicate other staff and their titles from each firm assigned to the project such as project manager(s), superintendent(s), and safety manager(s).
 - c. Name of each team member's bonding company or companies
 - d. Name of each team member's insurance company or companies
 - e. Method of contract with Prime Proposer
- B. Project Team Member Directory List: Submit a listing of all team members, including: *(Three page max. in spreadsheet/table format)*

Note: Each team member firm listed shall also be included in Contract Compliance Exhibit C.

- A. Company Names: Include each firm on Proposer team and as shown on the organization chart. Include company name, address, phone, fax, and senior contact person assigned to this project.
- B. Primary Assigned Staff (principal-in-charge and other staff from each firm such as project manager(s), superintendent(s), field engineer(s), safety manager(s), clerical, schedule manager, etc.)
 - a. Indicate their titles within their firms
 - b. Indicate the amount of time the individual has been with the team member firm
 - c. Indicate title on the proposed team
 - d. Indicate whether staff member is assigned full time or part time
 - e. Indicate who the staff member reports to in their firm

-
- C. M/FBE Status: Identify if team member firms are minority, female or small business enterprises. If a firm is a minority, female or small business enterprise, indicate whether the firm is certified in Fulton County with the Fulton County Department of Contract Compliance.
 - D. Bonding: Name, address, phone and contact person of each team member's bonding company or companies providing bond for this project
 - E. Insurance: Name, address, phone and contact person of each team member's insurance company or companies providing insurance for this project
 - F. Contract Method with Prime: Method of each team member's contract with the Prime Proposer. If a joint venture, provide a brief summary of the joint venture describing majority/minority partner responsibilities and the senior joint venture team and structure.

Note: If a joint venture the Proposer shall complete and submit the Contract Compliance Exhibit F.

C. Assigned Staff - Resumes of Personnel Assigned to the Project:
(Two pages max. each)

- 1. Daily Point of Contact Resume: Indicate the name and title of the assigned staff member proposed as the on-site point of contact for the project.
 - a. Indicate the title of the assigned point-of-contact within the firm
 - b. Indicate how long the point of contact has been with the firm
 - c. Indicate who the point of contact will directly report to in the Proposer's team.
 - d. Indicate the background, education, experience and certifications and/or licensing that the Proposer finds this assigned point of contact to have the demonstrates the credentials that are commensurate with the responsibility for this project..
- 2. Assigned Staff Resumes: Enclose brief resumes of staff assigned full time and part time indicating staff responsibility, previous and current experience, educational and professional history, certifications and length of time employed by their current firm as a full time employee. Utilizing resumes submitted in the qualifications phase is acceptable.

Section 3 – Quality Assurance/Quality Control

A. Quality Assurance/Quality Control: (20 points max)

1. Contract & Project Management Approach: *(Six pages max.)*
 - a. Contract and Project Management Controls: Describe the contract and project management controls that will be implemented for the project
 - b. On-Site Management Structure: Provide a organizational chart exhibiting the proposed structure and reporting of the Proposer team on-site management structure.
 - c. Working in Existing Operating Jail: Describe other management procedures and controls related to working in existing operating jail complexes.
 - d. Sub-Contractors & Sub-Consultant Management: Describe how the Proposer's team will coordinate, oversee and provide quality control for work performed by sub-contractors and sub-consultants.
2. Project Schedule, Management & Control:
 - a. Proposed Project Schedule: Refer to 00 302 – Proposed Schedule. Complete and submit a preliminary tasking schedule showing timeline for the activity for major and critical task including financial package development and execution. Give a timeline in the number of calendar days for the respective task. *(Number of pages as required)*
 - b. Schedule Management: Describe the schedule control you will provide in completing the services on schedule. *(Four pages max.)*
3. Project Cost Management & Control: Describe the cost control you will provide to demonstrate cost control. *(Four pages max.)*
4. Project Safety Management & Control: *(Four pages max.)*
 - a. Safety Plan: Describe your safety management program, implementation plan and controls for the team and each team member.
 - b. Indicate the Proposer's team procedures with respect to accidents, injuries, lost-time-on-job, and worker's compensation claims.
5. Project Staging Area Requirements: *(Two pages max)*: Submit your program requirements for staging, storage, workforce parking and other temporary facilities and required space at the Fulton County Jail Complex.

Section 4 – Operation & Maintenance Contracts

(15 points max.)

- A. Identify the company or companies that will be proposed for the maintenance contracts related to the systems and equipment installed under this contract. Include company name, address and contact name and phone number.
(Two pages max.)
- B. Submit information documenting their relevant Operational and Maintenance Work Processes and Organizational resources, including the qualifications of the individuals assigned to the various O&M activities.
(Five pages max.)
- C. Submit References:
 - a. Current Contracts: A minimum of three (3) references of public and/or private sector clients the company or companies are currently providing long term maintenance contracts
(Two pages max.)
 - b. Past Contracts: A minimum of three (3) references of public and/or private sector clients the company or companies had previously provided long term maintenance contracts
(Two pages max.)
- D. Submit information describing a transition plan how the Proposer will transition and manage work that is completed in sequences into the operational, warranty and maintenance phase.
(Five pages max.)

Section 5 – Proposer Financial Information

- A. State the financial structure and provide a narrative for the proposed plan of finance. (No. of pages as needed)
- B. Provide confirmation that the financial package has the capability and means to include all costs as exhibited in 00 300 – Cost proposal Form and accommodation of incorporation of additional work through unit prices under 01 027 – Unit Prices, and incorporation of alternates under 01 030 – Alternates.
(No. of pages as needed)
- C. Provide a list of any financial information that the finance company would require of the county. (ie audited financials, budget documents etc) (No. of pages as needed)

-
- D. Provide a preliminary financing schedule and sample documents that the County would be expected/required to execute in connection with the financing. Documents provided should include the lease payment schedule. Refer to 00 302 – Proposal Schedule. *(No. of pages as needed)*

Section 6 - Location of Firm:

(10 points or 0 points)

Location of Firm & Local Preference Policy: Indicate location of Proposers office (address and county). The County has a policy of local preference for vendors that desire to do business with Fulton County. Receiving local preference points is based upon a proposing firm or a member of a joint venture Proposer having an office in Fulton County. *(One page max.)*

Section 7 – Required Forms for Purchasing

(Pass/Fail for Responsiveness)

Refer to RFP Section 5.0 – Proposal Forms.

- Required Forms: Complete and submit required forms
 - Security (Bid) Bond (Refer to 00 610)
 - Certification of Acceptance of Proposal Requirements
 - Receipt of Addenda
 - Procurement Affidavits
 - Certification Regarding Debarment
 - Non-Collusion Affidavit of Prime Offeror
 - Non-Collusion Affidavit of Subcontractor

3.5 REQUIRED FORMS FOR CONTRACT COMPLIANCE (Separate Envelope)

(Pass/Fail for Responsiveness)

Refer to RFP Section 6.0 – Contract Compliance Requirements.

- Required Forms: Complete and submit required forms
 - Exhibit A - Promise of Non-Discrimination
 - Exhibit B - Employment Report
 - Exhibit C - Schedule of Intended Subcontractor Utilization
 - Exhibit D - Letter of Intent to Perform As a Subcontractor
 - Exhibit E - Declaration Regarding subcontractor Practices
 - Exhibit F - Joint Venture Disclosure Affidavit
- Equal Business Opportunity (EBO) Plan

3.6 COST PROPOSAL FORMAT AND CONTENT (Separate Envelope)

(30 points max.)

Refer to Section 000 300 for cost proposal forms.

- Complete and submit required forms

**SECTION 4
EVALUATION CRITERIA**

4.1 PROPOSAL EVALUATION CRITERIA & WEIGHTS

- A. The following criteria will be used to evaluate the proposals submitted in response to this RFP. Evaluation will include an analysis of proposals by a selection committee composed of three or five voting members
- B. Proposals will be evaluated and scored according to a predetermined weighting of criteria indicated below.

C. Evaluation Criteria & Weighting:

TECHNICAL PROPOSAL

1 Introduction

A. Cover Letter	Pass/Fail
B. Table of Contents	
C. Executive Summary	

2 Organization

A. Project Team Organization Chart	10 pts max
B. Project Team Member Directory List	
C. Assigned Staff	

3 Quality Assurance/Quality Control

A. Contract & Project Management Approach	15 pts max
B. On-Site Management Structure	
C. Project Schedule, Management & Control (00 302)	
D. Project Cost Management & Control	
E. Project Safety Management & Control	
F. Project Staging Area Requirements	

4 Operation & Maintenance

A. List of Company or Companies	15 pts max
B. Operational and Maintenance Work Processes & Organization	
C. References	
D. Transition Plan	

5 Financial Responsibility

A. Team Financing Capability	20 pts max
B. Proposing Firms Financial Capability	
C. Bonding & Insurance Capability	

6 Location of Firm

A. Location of Firm	10 or 0
---------------------	----------------

7 Required Forms for Purchasing

A. Security (Bid) Bond	(00 610)	Pass/Fail
B. Certification of Acceptance of Proposal Requirements	(Section 5)	
C. Receipt of Addenda	(Section 5)	
D. Procurement Affidavits	(Section 5)	
o Certification Regarding Debarement	(Section 5)	
o Non-Collusion Affidavit of Prime Contractor	(Section 5)	
o Non-Collusion Affidavit of Sub-Contractor	(Section 5)	

8 Required Forms for OCIP Deduct Alternate

A. Exhibit H - OCIP Forms	(00 440-ALT)	Pass/Fail
---------------------------	--------------	------------------

**9 Required Forms for Contract Compliance (Section 6)
(Separate Envelope)**

Exhibit A - Promise of Non-Discrimination	(Section 6)	Pass/Fail
Exhibit B - Employment Record	(Section 6)	
Exhibit C - Schedule of Intended Subcontractor Utilization	(Section 6)	
Exhibit D - Letter of Intent to Perform as Subcontractor	(Section 6)	
Exhibit E - Declaration Regarding Subcontractor Practices	(Section 6)	
Exhibit F - Joint Venture Disclosure Statement	(Section 6)	
Equal Business Opportunity Plan	(Section 6)	

COST PROPOSAL**10 Cost Proposal Form (00 300)
(Separate Envelope)**

A. Sub-Total	30 pts max
--------------	-------------------

TOTAL – TECHNICAL & COST	100
-------------------------------------	------------

4.2 SUMMARY OF EVALUATION PROCESS

- A. Technical proposals shall be evaluated first and scored separately from cost proposals.
- B. Interview/presentations are anticipated.
- C. After review and scoring of the technical proposals sealed cost proposals will be opened, evaluated and scored.
- D. The committee will submit a written recommendation to the Fulton County Board of Commissioners for recommendation approval and contract award to the firm with the highest rating based on consideration of RFP technical and cost factors.

-
- E. The successful Proposer will be required to execute the *Owner/Contractor Agreement* as provided in this RFP. Refer to Section 00 500 – Owner/Contractor Agreement.
 - F. Investigating references and other submittal content may continue after the Respondent has submitted a proposal. Where findings are inconsistent with or absent from the representations made in the original submittal the County may be consider this grounds for disqualification from the process at the sole discretion of the Fulton County Purchasing Department. Similarly, adverse material changes in Respondent's financial or other status from those at the time of submittal may also be considered grounds for disqualification at the sole discretion of the Fulton County Purchasing Department.
 - G. The Respondent will be required to establish to the satisfaction of the County, the reliability and responsibility of all persons or entities proposed to furnish and perform the Work described in the RFP.
 - H. After receiving the submittals, the Fulton County Purchasing Department will evaluate the responses, including the Respondent's references, financial statements, experience and other data relating to the Respondent's qualifications. If requested by the Purchasing Department, Respondents may be required to submit additional or supplemental information to determine whether the Respondent meets all of the qualification requirements.
 - I. The Purchasing Department will determine the Respondents responsive to the material terms and conditions of this RFP and then determine the Respondents technically, financially and otherwise capable to perform the project satisfactorily and who meet all other requirements of the project.
 - J. Any submittal may be rejected if determined by the Fulton County Purchasing Department to be non-responsive. The County reserves the right to waive any irregularities or technicalities when determined in its sole discretion, to be minor in nature and in the best interest of the County. Furthermore, any submittal may be rejected if determined by the Fulton County Purchasing Department, in its sole description, the Respondent is not capable of executing the proposed project satisfactorily or fails to provide information relating to such determination.

SECTION 5

PURCHASING DEPARTMENT PROPOSAL FORMS

5.1 INTRODUCTION

To be deemed responsive to this RFP, Proposers must provide the information requested and complete in detail all Proposal Forms. The appropriate individual(s) authorized to commit the Proposer to the Project must sign the Proposal Forms. Proposers should reproduce each Proposal Form, as required, and complete the appropriate portions of the forms provided in this section.

Purchasing Department Procurement Affidavits

Procurement Affidavit Form 1	Certification Regarding Debarment
Procurement Affidavit Form 2	Form A: Non-Collusion Affidavit (Prime) Form B: Sub-Contractor Non-Collusion Affidavit
Procurement Affidavit Form 3	Certificate of Acceptance of Request for Proposal Requirements

5.2 PROCUREMENT AFFIDAVIT FORMS DESCRIPTION

The following paragraphs present an overview of each Procurement Affidavit Form required.

5.2.1 Certification Regarding Debarment

Proposer shall complete and submit Form 1, which certifies that neither it nor its subcontractors are presently debarred, suspended, proposed for debarment, declared ineligible, or otherwise excluded from doing business with any government agency.

5.2.2 Non-Collusion Affidavit

The Proposal shall include a copy of Proposal Form 2A, executed by an authorized officer of the corporation. Proposals developed by a joint venture shall be similarly executed by all joint venture participants. Additionally, all sub-contractors shall execute a copy of Proposal Form 2B which shall also be submitted with the proposal.

5.2.3 Certificate of Acceptance of Request for Proposal Requirements

Proposer shall complete and submit Form 3, which certifies that Proposer has read the solicitation including all addenda, exhibits, attachments and appendices.

CERTIFICATION REGARDING DEBARMENT

- (1) The Offeror certifies that neither it or its subcontractors is presently debarred, suspended, proposed for debarment, declared ineligible, or otherwise excluded from doing business with any government agency. Any such exclusion may cause prohibition of your firm from participating in any procurement by the Fulton County Government.
- (2) If the Offeror is unable to certify to any of the statements in this certification, such Offeror or subcontractor shall attach an explanation to this bid or proposal.

INSTRUCTIONS FOR CERTIFICATION

By signing and submitting this certification, the Offeror is providing the certification set out below:

- (1) The certification in this clause is a material representation of fact upon which reliance will be placed. If it is later determined that the prospective vendor knowingly rendered a false certification, the Purchasing Agent may pursue all available remedies, including suspension and/or debarment, for withdrawal of award or termination of a contract.
- (2) The prospective Offeror shall provide immediate written notice to the Purchasing Agent if at anytime the Offeror learns that its certification was erroneous when submitted or has become erroneous by reason of changed circumstances.
- (3) Offeror shall be under a continuing duty to immediately inform the Purchasing Agent in writing of any changes, if as a result of such changes, the Offeror certification regarding debarment is affected.

DEBARMENT ORDINANCE

The following Section 2-322 of Fulton County Code of Laws establishes the procedure for the debarment of contractors.

(a) *Authority to suspend.*

After reasonable notice to the entity involved and reasonable opportunity for that entity to be heard, the Purchasing Agent, after consultation with user department, the County Manager and the County Attorney shall have the authority to suspend an entity for cause from consideration for award of county contracts. As used in this section, the term entity means any business entity, individual, firm, contractor, subcontractor or business corporation, partnership, limited liability corporation, firm, contractor, subcontractor or business structured; provided, further, that any such entity shall also be subject to suspension under this section if any of its constituents, members, subcontractors at any tier of such entity's and the entity, or any constituent or member, knew or should have known of the commission of the act. The suspension shall be for a period not to exceed three (3) years unless cause is based on a felony conviction for an offense related or associated with fraudulent contracting or misappropriation of funds wherein the suspension shall not exceed seven (7) years.

(b) *Causes for Suspension.* The causes for suspension include:

- (1) Conviction for commission of a criminal offense as an incident to obtain or attempting to obtain a public or private contract or subcontract, or in performance of such contract or subcontract;
- (2) Conviction of state or federal statutes of embezzlement, theft, forgery, bribery, falsification or destruction of records, receiving stolen property or other offense indicating a lack of business integrity or business honesty which currently, seriously and directly affects responsibility as a county contractor.
- (3) Conviction of state or federal anti-trust statutes arising out of the solicitation and submission of bids and proposals;
- (4) Violation of contract provisions, as set forth below, of a character which is regarded by

-
- the Purchasing Agent to be so serious as to justify suspension action:
- a. Failure to perform in accordance with the specifications within a time limit provided in a county contract;
 - b. A recent record of failure to perform or unsatisfactory performance in accordance with the terms of one or more contracts; provided, that failure to perform or unsatisfactory performance caused by acts beyond the control of the contractor shall not be considered to be a basis for suspension;
 - c. Material representation of the composition of the ownership or workforce or business entity certified to the county as a minority business enterprise; or
 - d. Falsification of any documents.
- (5) For violation of the ethical standards set forth in Fulton County Code Chapter 9, Code of Ethics.
- (6) Knowing misrepresentation to the county, of the use which a majority owned contractor intends to make a minority business enterprise (a business entity at least 51 percent of which is owned and controlled by minority persons, as defined in Fulton County Code Chapter 6, Article B, Minority Business Enterprise Affirmative Action Program and certified as such by the county), as a sub-contractor or a joint venture partner, in performing work under contract with the county.

Failure to fully and truthfully provide the information required, may result in the disqualification of your bid/proposal from consideration or termination of the Contract, once awarded. This document must be completed and included as a part of the bid/proposal package along with other required documents.

Under penalty of perjury, I declare that I have examined this certification and all attachments hereto, if applicable, to the best of my knowledge and belief, and all statements contained hereto are true, correct, and complete.

On this _____ day of _____, 2005

(Legal Name of Offeror) (Date)

(Signature of Authorized Representative) (Date)

(Title)

STATE OF GEORGIA

COUNTY OF FULTON

NON-COLLUSION AFFIDAVIT OF BIDDER/OFFEROR

I, _____ certify that pursuant to Fulton County Code Section 2-320 (11), this bid or proposal is made without prior understanding, agreement or connection with any corporation, firm or person submitting a bid for the same work, labor or service to be done or the supplies, materials or equipment to be furnished and is in all respects fair and without collusion or fraud. I understand collusive bidding is a violation of state and federal law and can result in fines, prison sentences and civil damages awards. I agree to abide by all conditions of this bid or proposal and certify that I am authorized to sign this bid or proposal for the bidder.

Affiant further states that pursuant to O.C.G.A. Section 36-91-21 (d) and (e), _____ has not, by itself or with others, directly or indirectly, prevented or attempted to prevent competition in such bidding or proposals by any means whatsoever. Affiant further states that (s)he has not prevented or endeavored to prevent anyone from making a bid or offer on the project by any means whatever, nor has Affiant caused or induced another to withdraw a bid or offer for the work.

Affiant further states that the said offer of _____ is bona fide, and that no one has gone to any supplier and attempted to get such person or company to furnish the materials to the bidder only, or if furnished to any other bidder, that the material shall be at a higher price.

(COMPANY NAME)

(PRESIDENT/VICE PRESIDENT)

Sworn to and subscribed before me this _____ day of _____, 200__.

(SECRETARY/ASSISTANT SECRETARY)

(Affix corporate seal here, if a corporation)

Notary Public: _____

County: _____

Commission Expires: _____

NOTE:

IF THE OFFEROR IS A PARTNERSHIP, ALL OF THE PARTNERS AND ANY OFFICER, AGENT, OR OTHER PERSON WHO MAY HAVE REPRESENTED OR ACTED FOR THEM IN BIDDING FOR OR PROCURING THE CONTRACT SHALL ALSO MAKE THIS OATH.

IF THE OFFEROR IS A CORPORATION, ALL OFFICERS, AGENTS, OR OTHER PERSONS WHO MAY HAVE ACTED FOR OR REPRESENTED THE CORPORATION IN BIDDING FOR OR PROCURING THE CONTRACT SHALL MAKE THE OATH.

STATE OF GEORGIA

COUNTY OF FULTON

NON-COLLUSION AFFIDAVIT OF SUBCONTRACTOR

I, _____ certify that pursuant to Fulton County Code Section 2-320 (11), this bid or proposal is made without prior understanding, agreement or connection with any corporation, firm or person submitting a bid for the same work, labor or service to be done or the supplies, materials or equipment to be furnished and is in all respects fair and without collusion or fraud. I understand collusive bidding is a violation of state and federal law and can result in fines, prison sentences and civil damages awards. I agree to abide by all conditions of this bid or proposal and certify that I am authorized to sign this bid or proposal for the bidder.

Affiant further states that pursuant to O.C.G.A. Section 36-91-21 (d) and (e), _____ has not, by itself or with others, directly or indirectly, prevented or attempted to prevent competition in such bidding or proposals by any means whatsoever. Affiant further states that (s)he has not prevented or endeavored to prevent anyone from making a bid or offer on the project by any means whatever, nor has Affiant caused or induced another to withdraw a bid or offer for the work.

Affiant further states that the said offer of _____ is bona fide, and that no one has gone to any supplier and attempted to get such person or company to furnish the materials to the bidder only, or if furnished to any other bidder, that the material shall be at a higher price.

(COMPANY NAME)

(PRESIDENT/VICE PRESIDENT)

Sworn to and subscribed before me this _____ day of _____, 200__.

(SECRETARY/ASSISTANT SECRETARY)

(Affix corporate seal here, if a corporation)

Notary Public: _____

County: _____

Commission Expires: _____

NOTE:

IF THE OFFEROR IS A PARTNERSHIP, ALL OF THE PARTNERS AND ANY OFFICER, AGENT, OR OTHER PERSON WHO MAY HAVE REPRESENTED OR ACTED FOR THEM IN BIDDING FOR OR PROCURING THE CONTRACT SHALL ALSO MAKE THIS OATH.

IF THE OFFEROR IS A CORPORATION, ALL OFFICERS, AGENTS, OR OTHER PERSONS WHO MAY HAVE ACTED FOR OR REPRESENTED THE CORPORATION IN BIDDING FOR OR PROCURING THE CONTRACT SHALL MAKE THE OATH.

CERTIFICATE OF ACCEPTANCE OF REQUEST
FOR PROPOSAL REQUIREMENTS

This is to certify that on this day, offeror acknowledges that he/she has read this solicitation document, pages #_____ to #_____ inclusive, including any addenda # _____ to #_____ exhibit(s) #_____ to #_____, attachment(s) # _____, and/or appendices #_____ to #,_____in its entirety, and agrees that no pages or parts of the document have been omitted, that he/she understands, accepts and agrees to fully comply with the requirements therein, and that the undersigned is authorized by the offeror to submit the proposal herein and to legally obligate the offeror thereto.

Company: _____

Signature: _____

Name: _____

Title: _____ Date: _____

(Affix Corporate Seal)

SECTION 6 CONTRACT COMPLIANCE REQUIREMENTS

6.1 NON-DISCRIMINATION IN CONTRACTING AND PROCUREMENTS

It is the policy of Fulton County Government that discrimination against businesses by reason of the race, color, gender or national origin of the ownership of any such business is prohibited. Furthermore, it is the policy of the Board of Commissioners ("Board") that Fulton County and all vendors and contractors doing business with Fulton County shall provide to all businesses the opportunity to participate in contracting and procurement paid, in whole or in part, with monetary appropriations of the Board. Similarly, it is the policy of the Board that the contracting and procurement practices of Fulton County should not implicate Fulton County as either an active or passive participant in the discriminatory practices engaged in by private contractors or vendors seeking to obtain contracts with Fulton County.

Equal Business Opportunity Plan (EBO Plan): In addition to the proposal submission requirements, each vendor **must** submit an Equal Business Opportunity Plan (EBO Plan) with their bid/proposal. The EBO Plan is designed to enhance the utilization of a particular racial, gender or ethnic group by a bidder/proposer, contractor, or vendor or by Fulton County. The respondent **must** outline a plan of action to encourage and achieve diversity and equality in the available procurement and contracting opportunities with *this solicitation*.

The EBO Plan **must** identify and include:

1. Potential opportunities within the scope of work of *this solicitation* that will allow for participation of racial, gender or ethnic groups.
2. Efforts that will be made by the bidder/proposer to encourage and solicit minority and female business utilization in *this solicitation*.

Fulton County encourages joint ventures, teaming, partnering and mentor-protégé relationships with minority and female businesses in an effort to achieve contracting and procurement diversity.

Prompt Payment: The prime contractor **must** certify in writing and **must** document on the Exhibit G Form (Prime Contractor/Subcontractor Utilization Report) that all subcontractors, sub-consultants and suppliers have been promptly paid for work and materials, (less any retainage by the prime contractor prior to receipt of any further progress payments). In the event the prime contractor is unable to pay subcontractors, sub-consultants or suppliers until it has received a progress payment from Fulton County, the prime contractor shall pay all subcontractors, sub-consultants or suppliers funds due from said progress payment within forty-eight (48) hours of receipt of payment from Fulton County. In no event shall a subcontractor, sub-consultant or supplier be paid later than fifteen (15) days as provided for by state law.

6.2 REQUIRED FORMS AND EBO PLAN

In order to be compliant with the intent and provisions of the Fulton County Non-Discrimination in Purchasing and Contracting Ordinance (99-0960), bidders/proposers **must** submit the following completed documents. Failure to provide this information **shall** result in the proposal being deemed non-responsive.

- **Exhibit A** – Promise of Non-Discrimination
- **Exhibit B** – Employment Report
- **Exhibit C** – Schedule of Intended Subcontractor Utilization
- **Exhibit D** – Letter of Intent to Perform as a Subcontractor or Provide Materials or Services
- **Exhibit E** – Declaration Regarding Subcontractors Practices
- **Exhibit F** – Joint Venture Disclosure Affidavit
- **Equal Business Opportunity Plan (EBO Plan)** – This document is not a form. It is a statement created by the bidder/proposer on its company letter head addressing the EBO Plan requirements.

All Contract Compliance documents (Exhibits A – F and EBO Plan) are to be placed in a **separate sealed envelope** clearly marked “Contract Compliance”. The EBO Plan must be submitted on company letterhead. These documents are considered part of and should be submitted with the Technical Proposal.

The following document must be completed on a monthly basis if awarded the project:

- **Exhibit G** – Prime Contractor’s Subcontractor Utilization Report

EXHIBIT A – PROMISE OF NON-DISCRIMINATION

"Know all persons by these presents, that I/We (_____),
Name

_____ Title	_____ Firm Name
----------------	--------------------

Hereinafter "Company", in consideration of the privilege to bid on or obtain contracts funded, in whole or in part, by Fulton County, hereby consent, covenant and agree as follows:

- 1) No person shall be excluded from participation in, denied the benefit of, or otherwise discriminated against on the basis of race, color, national origin or gender in connection with any bid submitted to Fulton County for the performance of any resulting there from,
- 2) That it is and shall be the policy of this Company to provide equal opportunity to all businesses seeking to contract or otherwise interested in contracting with this Company without regard to the race, color, gender or national origin of the ownership of this business,
- 3) That the promises of non-discrimination as made and set forth herein shall be continuing in nature and shall remain in full force and effect without interruption,
- 4) That the promise of non-discrimination as made and set forth herein shall be made a part of, and incorporated by reference into, any contract or portion thereof which this Company may hereafter obtain,
- 5) That the failure of this Company to satisfactorily discharge any of the promises of non-discrimination as made and set forth herein shall constitute a material breach of contract entitling the Board to declare the contract in default and to exercise any and all applicable rights and remedies, including but not limited to cancellation of the contract, termination of the contract, suspension and debarment from future contracting opportunities, and withholding and/or forfeiture of compensation due and owing on a contract; and
- 6) That the bidder shall provide such information as may be required by the Director of Contract Compliance pursuant to Section 4.4 of the Fulton County Non-Discrimination in Purchasing and Contracting Ordinance.

SIGNATURE: _____

ADDRESS: _____

TELEPHONE NUMBER: _____

EXHIBIT B – EMPLOYMENT REPORT

The demographic employment make-up for the bidder/proposer **must** be identified and submitted with this bid/proposal. In addition, if subcontractors will be utilized by the bidder/proposer to complete this project, then the demographic employment make-up of the subcontractor(s) must be identified and submitted with this bid.

EMPLOYEES

CATEGORY	NATIVE AMERICAN		AFRICAN AMERICAN		ASIAN AMERICAN		HISPANIC AMERICAN		CAUCASIAN AMERICAN		OTHER	
	M	F	M	F	M	F	M	F	M	F	M	F
Male/Female												
Mgmt/Official												
Professional												
Supervisors												
Office/ Clerical												
Craftsmen												
Laborers												
Other (specify)												
TOTALS												

FIRM'S NAME: _____

ADDRESS: _____

TELEPHONE NUMBER: _____

This completed form is for (Check one) ____Bidder/Proposer ____Subcontractor

Submitted by: _____ Date Completed: _____

EXHIBIT C - SCHEDULE OF INTENDED SUBCONTRACTOR UTILIZATION

If the bidder/proposer intends to subcontract any portion of this scope of work/service(s), this form **must be** completed and **submitted with the bid/proposal**. All prime bidders/proposers **must** include Letter(s) of Intent (Exhibit D) in the bid document for all subcontractors who will be utilized under the scope of work/services.

Prime Bidder/Proposer: _____

ITB/RFP Number: _____

Project Name or Description of Work/Service(s): _____

1. My firm, as Prime Bidder/Proposer on this scope of work/service(s) is _____ is not _____ a minority or female owned and controlled business enterprise. (Please indicate below the portion of work, including, percentage of bid/proposal amount that your firm will carry out directly):

2. If the Prime Bidder/Proposer is a Joint Venture, please complete Exhibit F: Joint Venture Disclosure Affidavit and attach a copy of the executed Joint Venture Agreement.

3. Sub-Contractors (including suppliers) proposed to be utilized in the performance of this scope of work/service(s), if awarded, are:

SUBCONTRACTOR NAME: _____

ADDRESS: _____

PHONE: _____

CONTACT PERSON: _____

ETHNIC GROUP*: _____ **COUNTY CERTIFIED**** _____

WORK TO BE PERFORMED: _____

DOLLAR VALUE OF WORK: \$ _____ **PERCENTAGE VALUE:** _____ %

Ethnic Groups:** African American (AABE); Asian American (ABE); Hispanic American (HBE); Native American (NABE); White Female American (WFBE); *If yes, please attach copy of recent certification.**

SUBCONTRACTOR NAME: _____
ADDRESS: _____

PHONE: _____
CONTACT PERSON: _____
ETHNIC GROUP*: _____ COUNTY CERTIFIED** _____
WORK TO BE PERFORMED: _____

DOLLAR VALUE OF WORK: \$ _____ PERCENTAGE VALUE: _____ %

SUBCONTRACTOR NAME: _____
ADDRESS: _____

PHONE: _____
CONTACT PERSON: _____
ETHNIC GROUP*: _____ COUNTY CERTIFIED** _____
WORK TO BE PERFORMED: _____

DOLLAR VALUE OF WORK: \$ _____ PERCENTAGE VALUE: _____ %

SUBCONTRACTOR NAME: _____
ADDRESS: _____

PHONE: _____
CONTACT PERSON: _____
ETHNIC GROUP*: _____ COUNTY CERTIFIED** _____
WORK TO BE PERFORMED: _____

DOLLAR VALUE OF WORK: \$ _____ PERCENTAGE VALUE: _____ %

SUBCONTRACTOR NAME: _____
ADDRESS: _____

PHONE: _____
CONTACT PERSON: _____
ETHNIC GROUP*: _____ COUNTY CERTIFIED** _____
WORK TO BE PERFORMED: _____

DOLLAR VALUE OF WORK: \$ _____ PERCENTAGE VALUE: _____ %

***Ethnic Groups: African American (AABE); Asian American (ABE); Hispanic American (HBE); Native American (NABE); White Female American (WFBE); **If yes, please attach copy of recent certification.**

Total Dollar Value of Subcontractor Agreements: (\$) _____

Total Percentage Value: (%) _____

CERTIFICATION: The undersigned certifies that he/she has read, understands and agrees to be bound by the Bid/Proposer provisions, including the accompanying Exhibits and other terms and conditions regarding sub-contractor utilization. The undersigned further certifies that he/she is legally authorized by the Bidder/Proposer to make the statement and representation in this Exhibit and that said statements and representations are true and correct to the best of his/her knowledge and belief. The undersigned understands and agrees that if any of the statements and representations are made by the Bidder/Proposer knowing them to be false, or if there is a failure of the intentions, objectives and commitments set forth herein without prior approval of the County, then in any such event the Contractor's acts or failure to act, as the case may be, shall constitute a material breach of the contract, entitling the County to terminate the Contract for default. The right to so terminate shall be in addition to, and in lieu of, any other rights and remedies the County may have for other defaults under the contract.

Signature: _____ **Title:** _____

Firm or Corporate Name: _____

Address: _____

Telephone: () _____

Fax Number: () _____

Email Address: _____

EXHIBIT D

LETTER OF INTENT TO PERFORM AS A SUBCONTRACTOR OR PROVIDE MATERIALS OR SERVICES

This form **must** be completed by **ALL** known subcontractor and submitted with the bid/proposal. The Prime Contractor **must** submit Letters of Intent for **ALL** known subcontractors at time of bid submission.

To: _____
(Name of Prime Contractor Firm)

From: _____
(Name of Subcontractor Firm)

ITB/RFP Number: _____

Project Name: _____

The undersigned is prepared to perform the following described work or provide materials or services in connection with the above project (specify in detail particular work items, materials, or services to be performed or provided):

Description of Work	Project Commence Date	Project Completion Date	Estimated Dollar Amount

(Prime Bidder)

Signature _____

Title _____

Date _____

(Subcontractor)

Signature _____

Title _____

Date _____

EXHIBIT E - DECLARATION REGARDING SUBCONTRACTING PRACTICES

If the bidder/proposer **does not intend to subcontract** any portion of the scope of work services(s), this form **must be** completed and submitted with the bid/proposal.

_____ hereby declares that it is my/our intent to
(Bidder)

perform 100% of the work required for _____
(ITB/RFP Number)

(Description of Work)

In making this declaration, the bidder/proposer states the following:

1. That the bidder/proposer does not customarily subcontract elements of this type project, and normally performs and has the capability to perform and will perform **all elements** of the work on this project with his/her own current work forces;
2. If it should become necessary to subcontract some portion of the work at a later date, the bidder/proposer will comply with all requirements of the County's Non-Discrimination Ordinance in providing equal opportunities to all firms to subcontract the work. The determination to subcontract some portion of the work at a later date shall be made in good faith and the County reserves the right to require additional information to substantiate a decision made by the bidder/proposer to subcontract work following the award of the contract. Nothing contained in this provision shall be employed to circumvent the spirit and intent of the County's Non-Discrimination Ordinances;
3. The bidder will provide, upon request, information sufficient for the County to verify Item Number one.

AUTHORIZED COMPANY REPRESENTATIVE

Name: _____ Title: _____ Date: _____

Signature: _____

Firm: _____

Address: _____

Phone Number: _____

Fax Number: _____

Email Address: _____

EXHIBIT F - JOINT VENTURE DISCLOSURE AFFIDAVIT

ITB/RFP No. _____

Project Name _____

This form must be completed and submitted with the bid/proposal if a joint venture approach is to be undertaken.

In order to evaluate the extent of small, minority and female business involvement being proposed by a Bidder/Proposer, certain relevant information must be provided prior to contract award. The information requested below is to clearly identify and explain the extent of small business participation in the proposed joint venture. All items must be properly addressed before the business entity can be evaluated.

1. Firms:

1) Name of Business: _____

Street Address: _____

Telephone No.: _____

Nature of Business: _____

2) Name of Business: _____

Street Address: _____

Telephone No.: _____

Nature of Business: _____

3) Name of Business: _____

Street Address: _____

Telephone No.: _____

Nature of Business: _____

NAME OF JOINT VENTURE (If applicable): _____

ADDRESS: _____

PRINCIPAL OFFICE: _____

OFFICE PHONE: _____

Note: Attach additional sheets as required

1. Describe the capital contributions by each joint venturer and accounting thereof.
2. Describe the financial controls of the joint venture, e.g., will a separate cost center be established? Which venturer will be responsible for keeping the books? How will the expense therefore be reimbursed? What is the authority of each joint venture to commit or obligate the order?
3. Describe any ownership, options for ownership, or loans between the joint ventures. Identify terms thereof.
4. Describe the estimated contract cash flow for each joint venturer.
5. To what extent and by whom will the on-site work be supervised?
6. To what extent and by whom will the administrative office be supervised?
7. Which joint venturer will be responsible for material purchases including the estimated cost thereof? How will the purchase be financed?
8. Which joint venturer will provide equipment? What is the estimated cost thereof? How will the equipment be financed?
9. Describe the experience and business qualifications of each joint venturer.
10. Submit a copy of all joint venture agreements and evidence of authority to do business in the State of Georgia as well as locally, to include all necessary business licenses.
11. Percent of Minority/Female Business Enterprises ownership by each joint venture in terms of profit and loss sharing: _____

12. The authority of each joint venturer to commit or obligate the other: _____

13. Number of personnel to be involved in project, their crafts and positions and whether they are employees of the Minority/Female Business Enterprises enterprise, the majority firm or the joint venture: _____

14. Identification of control and participation in venture; list those individuals who are responsible for day-to-day management and policy decision-maker, including, but not limited to, those with prime responsibility for areas designated below; (use additional sheets if necessary)

<u>Name</u>	<u>Race</u>	<u>Sex</u>	<u>Financial Decisions</u>	<u>Supervision Field Operation</u>
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____

In connection with any work that these firms, as a joint venture, might be authorized to perform in connection with above captioned contract, we each do hereby authorize representatives of the Fulton County Department of Contract Compliance, Departments of Purchasing and Finance, under the direction of the County Manger's Office, to examine, from time to time, the books, records and files to the extent that such relate to this County project.

WE DO SOLEMNLY DECLARE AND AFFIRM UNDER THE PENALTIES OF PERJURY THAT THE CONTENTS OF THE FOREGOING DOCUMENT ARE TRUE AND CORRECT, AND THAT WE ARE AUTHORIZED, ON BEHALF OF THE ABOVE FIRMS, TO MAKE THIS AFFIDAVIT AND GRANT THE ABOVE PRIVILEGE.

FOR _____
(Company)

Date: _____
(Signature of Affiant)

(Printed Name)

(Company)

Date: _____
(Signature of Affiant)

(Printed Name)

State of _____:

County of _____:

On this ____ day of _____, 20_____, before me, appeared _____, the undersigned known to me to be the person described in the foregoing Affidavit and acknowledge that he (she) executed the same in the capacity therein stated and for the purpose therein contained.

EXHIBIT – G PRIME CONTRACTOR/SUB-CONTRACTOR UTILIZATION REPORT

This report **must** be submitted by the **tenth day** of each month, along with a copy of your monthly invoice (schedule of values/payment application) to Contract Compliance. Failure to comply **shall** result in the County commencing proceedings to impose sanctions to the prime contractor, in addition to pursuing any other available legal remedy. Sanctions may include the suspending of any payment or part thereof, termination or cancellation of the contract, and the denial of participation in any future contracts awarded by Fulton County.

REPORTING PERIOD		PROJECT NAME:	
FROM:		PROJECT NUMBER:	
TO:		PROJECT LOCATION:	

PRIME CONTRACTOR		Contract Award Date	Contract Award Amount	Change Order Amount	Contract Period	% Complete to Date
Name:						
Address:						
Telephone #:						

AMOUNT OF REQUISITION THIS PERIOD: \$ _____
TOTAL AMOUNT REQUISITION TO DATE: \$ _____

SUBCONTRACTOR UTILIZATION (add additional rows as necessary)

Name of Sub-Contractor	Description of Work	Contract Amount	Amount Paid To Date	Amount Requisition This Period	Contract Period Starting Date	Contract Period Ending Date
TOTALS						

Executed By: _____ (Signature)
Nortary: _____ (Printed Name)
Date: _____
My Commission Expires: _____

Should you have questions regarding any of the documents contained in Section 6, please feel free to contact the Office of Contract Compliance at (404) 763-6300, for further assistance.

SECTION 7

INSURANCE AND RISK MANAGEMENT PROVISIONS

7.1 CONTRACTOR PROVIDED INSURANCE AND RISK MANAGEMENT PROVISIONS

Refer to Section 00 440 – Insurance Requirements and Section 00 500 – Owner/Contractor Agreement, Article 11 for insurance requirements.

Also, refer to Section 7.0 (Alternate) for Deduct Alternate and to Specification section 01 030 – Alternates, which deducts Contractor cost of insurance by enrollment into the Fulton County Owner Controlled Insurance Program (OCIP).

It is Fulton County Government's practice to obtain Certificates of Insurance from our Contractors and Vendors. Insurance must be written by a licensed agent in a company licensed to write insurance in the State of Georgia. Respondents shall submit with the bid/proposal evidence of insurability satisfactory to Fulton County Government as to form and content. Either of the following forms of evidence is acceptable:

- A letter from an insurance carrier stating that upon your firm/company being the successful Bidder/Respondent that a Certificate of Insurance shall be issued in compliance with the Insurance and Risk Management Provisions outlined below.
- A Certificate of Insurance complying with the Insurance and Risk Management Provisions outlined below (Request for Bid/Proposal number and Project Description must appear on the Certificate of Insurance).

Upon award, the Contractor/Vendor must maintain at their expense, insurance with policy limits equal to or greater than the limits described below. Any and all Insurance Coverage(s) and Bonds required under the terms and conditions of the contract shall be maintained during the entire length of the contract, including any extensions or renewals thereto, and until all work has been completed to the satisfaction of Fulton County Government.

Accordingly the Respondent shall provide a certificate evidencing the following:

1. WORKERS COMPENSATION/EMPLOYERS'S LIABILITY INSURANCE – STATUTORY (In compliance with the Georgia Workers Compensation Acts and any other State or Federal Acts or Provisions in which jurisdiction may be granted)

Employer's Liability Insurance	BY ACCIDENT - EACH ACCIDENT	-	\$500,000
Employer's Liability Insurance	BY DISEASE - POLICY LIMIT	-	\$500,000
(Aggregate)	BY DISEASE - EACH EMPLOYEE	-	\$500,000

2. COMMERCIAL GENERAL LIABILITY INSURANCE (Including contractual Liability Insurance)

Bodily Injury and Property Damage Liability	Each Occurrence	-	\$1,000,000
(Other than Products/Completed Operations)	General Aggregate	-	\$2,000,000
Products\Completed Operation	Aggregate Limit	-	\$1,000,000
Personal and Advertising Injury	Limits	-	\$1,000,000
Fire Damage	Limits	-	\$100,000

3. BUSINESS AUTOMOBILE LIABILITY INSURANCE

Combined Single Limits	Each Occurrence	-	\$1,000,000
(Including operation of non-owned, owned, and hired automobiles).			

-
- | | | | |
|---|-----------------|---|-------------|
| 4. ELECTRONIC DATA PROCESSING LIABILITY
(Required if computer contractor) | Limits | - | \$1,000,000 |
| 5. UMBRELLA LIABILITY
(In excess of above noted coverage's) | Each Occurrence | - | \$2,000,000 |
| 6. PROFESSIONAL LIABILITY
(Required if respondent providing professional services). | Each Occurrence | - | \$1,000,000 |
| 7. FIDELITY BOND
(Employee Dishonesty) | Each Occurrence | - | \$ 100,000 |

Certificates shall state that the policy or policies shall not expire, be cancelled or altered without at least thirty (30) days prior written notice to Fulton County Government. Policies and Certificates of Insurance are to list Fulton County Government as an Additional Insured (except for Workers' Compensation) and shall conform to all terms and conditions (including coverage of the indemnification and hold harmless agreement) contained in the Insurance and Risk Management Provisions.

If Fulton County Government shall so request, the Offeror, Contractor or Vendor will furnish the County for its inspection and approval such policies of insurance with all endorsements, or confirmed specimens thereof certified by the insurance company to be true and correct copies.

Such certificates and notices shall be sent to:

Fulton County Government – Purchasing Department
130 Peachtree Street, S.W.
Suite 1168
Atlanta, Georgia 30303-3459

The Contractor/Vendor shall insure that the Request for Bid/Proposal number and Project Description appears on the Certificate of Insurance.

It is understood that **Insurance in no way Limits the Liability of the Contractor/Vendor.**

INDEMNIFICATION AND HOLD HARMLESS AGREEMENT

Contractor/Vendor hereby agrees to release, indemnify, defend and hold harmless the County, it's Commissioners, officers, employees, subcontractors, successors, assigns and agents, from and against any and all losses (including death), claims, damages, liabilities, costs and expenses (including but not limited to all actions, proceedings, or investigations in respect thereof and any costs of judgments, settlements, court costs, attorney's fees or expenses, regardless of the outcome of any such action, proceeding, or investigation), caused by, relating to, based upon or arising out of any act or omission by contractor, it's directors, officers, employees, subcontractors, successors, assigns or agents, or otherwise in connection with it's acceptance, or the performance, or nonperformance, of it's obligations under this agreements.

THE OFFEROR ACKNOWLEDGES HAVING READ, UNDERSTANDING, AND AGREES TO COMPLY WITH THE ABOVE STATEMENTS, AND IS AUTHORIZED TO SIGN CONTRACTS ON BEHALF OF THE RESPONDING COMPANY.

COMPANY: _____ SIGNATURE: _____

NAME: _____ TITLE: _____ DATE: _____

**SECTION 7 - ALTERNATE
OCIP INSURANCE AND RISK MANAGEMENT PROVISIONS
DEDUCT ALTERNATE NO. 1**

7.1 OWNER PROVIDED INSURANCE AND RISK MANAGEMENT PROVISIONS

The base proposal requirement provides for Contractor provided insurance for the project. This Deduct Alternate No. 1 removes Contractor provided insurance and enrolls the Contractor and Sub-contractors into the Fulton County Owner Controlled Insurance Program as required under Section 00 440 Alt – OCIP Requirements and Alternate Section 00 500 – Owner - Design/Builder Agreement, Article 11 for Owner Controlled Insurance Program requirements and Article 12 – Safety.

Refer to Section 00 440 Alt – OCIP Requirements and Deduct Alternate Section 00 500 – Owner - Design/Builder Agreement, Article 11 for Owner Controlled Insurance Program requirements and Article 12 – Safety for proposal submittal forms and contract requirements associated with this alternate.

Owner-Controlled Insurance Program (OCIP)

- A. Fulton County has implemented an Owner-Controlled Insurance Program (OCIP) that covers this Project. Under the OCIP, the County shall furnish certain portions of the Workers' Compensation, General Liability, and Builder's Risk Insurance associated with the County's construction projects.
- B. The OCIP will not provide complete and comprehensive insurance coverage to the successful Proposer for this Project if the County elects to incorporate this alternate into the contract. Types of coverage, limits, deductible obligations, and other detailed provisions of the OCIP are found in the Owner-Contractor Agreement
- C. Proposals shall not contain premium costs, nor associated overhead and profit, for insurance coverage provided to the successful Proposer under the OCIP. The Proposer and all proposed subcontractors shall complete and sign separate copies of the OCIP Insurance Information Form, found in Section 00 440, and include them in the submittal. The information provided in this form is essential for proper administration of the OCIP, and is required as a condition of proposal responsiveness. This form must be signed and dated by the Proposer or subcontractor, as applicable. Note that this form applies to premium costs and associated overhead and profit only, and not to other costs and/or credits associated with complying with OCIP provisions and requirements which may be factored into the Proposer's lump sum cost proposal amount; thus, such other costs and/or credits shall not be included on the form. Also note that the County reserves the right to audit the insurance policies and payroll records of the Proposer and/or its subcontractors to validate the information provided if deemed necessary, and the Proposer agrees by submittal of a Proposal to provide the policies and records requested for such an audit.

SECTION 8 SAMPLE CONTRACT

Refer to Attachment Section 00 500 – Owner/Contractor Agreement for sample contract.